

ELECTRONIC TRANSMISSION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/025,515 Confirmation No. 6307
Applicant : William E. Webler et al.
Filed : December 18, 2001
Title : ROTATABLE FERRULES AND INTERFACES
FOR USE WITH AN OPTICAL GUIDEWIRE
Art Unit : 3739
Examiner : John P. Leubecker

Docket No.: : ACSG-60271 (G2168USO1)
Customer No. : 24201 July 31, 2009

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Dear Sir:

Applicant hereby submits an application for patent term adjustment for Serial No. 10/025,515 – filed December 18, 2001. A Notice of Allowance for said patent application was mailed by the USPTO on May 4, 2009. The issue fee was paid concurrently today with this document.

The fee of \$200.00 as set forth in 37 CFR § 1.18(e) and the fee of \$400.00 as set forth in 37 CFR § 1.18(f) is being paid by credit card with this electronic transmission. The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 06-2425.

STATEMENT OF FACTS

The correct patent term adjustment and the bases under 37 CFR § 1.702 for said requested adjustment is as follows:

1. On June 26, 2002, Applicants' undersigned attorneys, Fulwider Patton LLP, filed with the U.S. Patent and Trademark Office (PTO) a Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers). Applicants' previous attorneys were Coudert Brothers LLP, San Francisco, California.

2. On August 5, 2004, the PTO mailed an Election/Restriction Requirement to Coudert Brothers, LLP, even though Fulwider Patton LLP was the correct attorneys of record. Fulwider Patton LLP never received this Election/Restriction Requirement.

3. On November 19, 2004, the PTO mailed a new Election/Restriction Requirement which reset the time for response. The PTO again addressed this Election/Restriction Requirement to Coudert Brothers LLP. Fulwider Patton LLP eventually received a copy of the November 19, 2004 Election/ Restriction Requirement and filed a Response on December 7, 2004. Applicants' Response was filed within one month of the mailing date of the Election/Restriction Requirement.

4. The PTO has incorrectly calculated the time of the patent term extension by relying on the Election/Restriction Requirement dated August 5, 2004. The PTO erred in forwarding this Election/Restriction Requirement to the wrong attorneys. Accordingly, Applicants have calculated and consider that the correct number of days of patent term adjustment should be an additional 138 days, when accounting for the PTO's error. The correct term adjustment should be 1,015 days, not 877 days, as calculated by the PTO.

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of said application as set forth in 37 CFR § 1.704.

Respectfully submitted,

FULWIDER PATTON LLP

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